

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 1:23-cv-11111-IT

██████████, a minor by and through
his father and stepmother and natural
guardians, Christopher and Susan Morrison,

Plaintiff

v.

TOWN OF MIDDLEBOROUGH;
MIDDLEBOROUGH SCHOOL
COMMITTEE; CAROYLN J. LYONS,
Superintendent of the Middleborough Public
Schools, in her capacity; and HEATHER
TUCKER, acting Principal of John T. Nicholas
Middle School, in her official capacity,

Defendants

AFFIDAVIT OF CAROLYN J. LYONS

I, Carolyn J. Lyons, hereby attest to the following:

1. I am the Superintendent of the Middleborough Public Schools in the Town of Middleborough. I have held that position since July 1, 2022. I have been employed with the Middleborough Public Schools since July 2012, first holding the position of Secondary Special Education Facilitator. In August 2016, I was appointed as the Director of Pupil Personnel Services and held that post until June 30, 2022. Attached hereto as Exhibit A is Superintendent Lyons's CV.
2. The NMS Student and Family Handbook ("Handbook") is provided each year to students and their families. The Handbook contains a Dress Code for all students who attend NMS that provides in part that clothing worn by students "must not state, imply, or depict hate speech or imagery that target groups based on race, ethnicity, gender, sexual orientation,

gender identity, religious affiliation or any other classification.” A copy of the NMS Student and Family Handbook with Plaintiff’s signed acknowledgement is attached hereto as Exhibit B.

3. On March 21, 2023 I became aware that Plaintiff had worn a t-shirt to school with the message “there are only two genders,” and also learned that Plaintiff declined to take off the t-shirt and that his father declined the Principal’s request that he have his son remove the t-shirt.
4. Plaintiff’s Father sent me an email on April 1, 2023 about the enforcement of the dress code in regards to his son wearing a t-shirt on March 21, 2023 with the message, “there are only two genders.” I responded to Plaintiff’s Father’s email on April 4, 2023. Attached hereto as Exhibit C is the email exchange.
5. On April 13, 2023, there were two individuals outside of NMS, but not on school property, holding signs that read, “there are only two genders” and “keep woke politics out [of] our schools.”
6. I received complaints from the Schools’ LGBTQ+ community members about the signs.
7. On April 13, 2023, I spoke at the School Committee meeting about the issue. Plaintiff also spoke at the School Committee meeting during the public comment period.
8. On April 14, 2023, counter protests were held outside of NMS with signs that read, “trans people belong” and “we support trans rights” and “everyone is welcome here” among others messages.
9. I received complaints from community members about the counter protesters’ messages.
10. I along with the Principals of NMS and Middleborough High School, received an ongoing stream of messages, tweets, and emails as well as phone calls about the issue.

Some of the calls received were threatening in nature. One tweet in particular listed the staff directory and read, “if you see these people in public, you know what to do.” I reported the tweet to the Middleborough Police Department and Twitter.

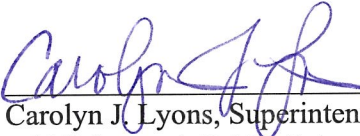
11. Because of the threatening statements, the Middleborough Police provided a detail to NMS between April 24th and April 28, 2023.
12. Since the incident involving the t-shirt, Plaintiff has expressed his views on transgender rights on local and national news media outlets, radio broadcasts, and social media.
13. On April 27, 2023, I received correspondence from an attorney purporting to represent Plaintiff claiming that he was intending to wear a shirt bearing the phrase “There Are Only Two Genders” to school on May 5, 2023.
14. Prior to May 5, 2023, I met with Principal Tucker and the School Department’s attorney concerning the letter from Plaintiffs’ attorney. Given the amount of media attention the subject had garnered, there were concerns that other students would also attempt to wear clothing with the same or similar messages.
15. I was in attendance at NMS for the start of the school day on May 5, 2023. Plaintiff arrived at NMS and was observed by Principal Tucker wearing a t-shirt with the message “there are only censored genders,” covering the word “two” with the word “censored.”
16. To avoid disruption and having to remove Plaintiff from class, Principal Tucker met Plaintiff shortly after he arrived at school and he was brought to the Administrative Office.
17. After escorting Plaintiff to the office, he was left alone for a short time while Principal Tucker, School Counsel, and I conferred about how to proceed. It was decided to not allow him to wear the shirt during school that day.

18. Although the meeting lasted only for a few minutes, when Principal Tucker returned to the office Plaintiff had already taken off the t-shirt.
19. Plaintiff was not disciplined for wearing the t-shirt to school on May 5, 2023 and was allowed to proceed with his school day in the normal course.
20. Attached hereto as Exhibit D is DESE Guidance for Massachusetts Public Schools Creating a Safe Space and Supportive School Environment, Nondiscrimination on the Basis of Gender Identity.
21. To further the goal of providing support to students who are part of the LGBTQ+ community, the NMS has a Gay Straight Alliance (GSA) club that has existed since at least 2018. The GSA has over 20 members and typically meets on a monthly basis. The GSA is a “student-run organization that unites LGBTQ+ and allied youth to build community and organize around issues impacting them in their schools and communities.”
22. Student survey data collected in June 2022, through NMS’s platform Panorama, show over 20 individual student’s comments about perceived bullying at school, feeling unwelcome at school, and expressing specific concerns about how the LGBTQ+ population is treated at school.
23. To further the goal of providing support to students who are part of the LGBTQ+ community, in January 2022 NMS trained teachers and staff on the NMS Safe Schools Program for LGBTQ Students and revised its Gender Support Plan to support students while they are at NMS. The World of Difference student group from Middleborough High School, trained by the Anti-Defamation League (ADL), provided anti-bias training

to all teachers and staff on May 27, 2022. Most recently, the ADL provided anti-bias professional development to all teachers and staff on January 13, 2023.

24. I am aware of several NMS students who have attempted to commit suicide or have had suicidal ideations in the past few years, including members of the LGBTQ+ community. These situations have frequently cited LGBTQ+ status and treatment as a major factor. In July 2022, one MHS student committed suicide.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 30th DAY OF
MAY, 2023.



Carolyn J. Lyons, Superintendent
Middleborough Public Schools